

**UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF TEXAS  
MARSHALL DIVISION**

NETLIST, INC.,	)	
	)	
Plaintiff,	)	
	)	Case No. 2:22-cv-293-JRG (Lead Case)
vs.	)	
	)	JURY TRIAL DEMANDED

SAMSUNG ELECTRONICS CO., LTD, ET	)	
AL.,	)	
	)	
Defendants.	)	
	)	
	)	

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NETLIST, INC.,	)	
	)	
Plaintiff,	)	
	)	Case No. 2:22-cv-294-JRG
vs.	)	
	)	JURY TRIAL DEMANDED

MICRON TECHNOLOGY, INC.; MICRON	)	
SEMICONDUCTOR PRODUCTS, INC.;	)	
MICRON TECHNOLOGY TEXAS LLC,	)	
	)	
Defendants.	)	
	)	

**[PROPOSED] ORDER**

The Court, having considered the briefing on Defendants' Motion for Summary Judgment on Micron's Affirmative Defenses (Dkt. 366), hereby orders:

(1) Netlist's Motion on (i) Prosecution History Estoppel (Affirmative Defense No. 4); (ii) Waiver and Estoppel (Affirmative Defense No. 5); (iii) Statute of Limitations (Affirmative Defense No. 7); (iv) Inequitable Conduct or Unclean Hands (Affirmative Defense No. 16); and (v) 28 U.S.C. § 1498 (Affirmative Defense No. 17) is **MOOT**; and

(2) Netlist's Motion on (i) License and Covenant Not to Sue (Affirmative Defense No. 6); (ii) Exhaustion (Affirmative Defense No. 13); and (iii) Prosecution Laches (Affirmative Defense No. 16) is **DENIED**.

**IT IS SO ORDERED.**